

**REMARKS**

I. Declaration Under 37 CFR §1.131 to Once Again Remove Aarons Reference as Potential Prior Art under 35 U.S.C. §102(e) and §103(a)

The Examiner has found that the Declaration of Judy-Lynne Alley filed on 11/21/05 was sufficient to overcome the Aarons reference before independent claims 1 and 10 were amended in Applicant's May 23, 2006 Amendment Letter to require that the slip-resistant projections be located on both the palmer and dorsal surfaces. Applicant has returned Claims 1 and 10 to their previously presented form prior to Applicant's amendment filed May 23, 2006 by removing the limitation that the slip-resistant projections be located on both the palmer and dorsal surfaces, thereby making the Declaration sufficient to overcome the Aarons reference once again.

II. Claim Rejections Based on 35 U.S.C. §102

The Examiner has rejected Claims 1, 2, 4, 6-11, 13, and 15-18 under 35 U.S.C. §102(e) as being anticipated by Aarons (US 6,766,536). The Examiner has also rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Schulkin (US 5,500,956).

a. Aarons Reference

As stated above, Applicant has removed the limitation that the slip-resistant projections be located on both the palmer and dorsal surfaces. Applicant's 11/21/05 Declaration, as previously deemed by the Examiner, is once again sufficient to remove the

Aarons reference as prior art. This rejection should now be obviated.

Claims 1 and 10 have herein been amended to add the limitations that the extremity covering has fully enclosed finger or toe sections and that the slip-resistant material is coupled to the fully enclosed finger or toe sections. These features are shown in all of the Figures as well as in several areas of the Specification (e.g. page 11, lines 1-9). Therefore, such an amendment is proper as it is sufficiently supported in the original disclosure.

As shown in Exhibit A of the 11/21/05 Declaration, the socks and the gloves are shown as having fully enclosed toe or finger sections and are also shown as having slip-resistant material coupled to the fully enclosed toe or finger sections. Therefore the 11/21/05 Declaration clearly establishes that the conception of these limitations were prior to the Aarons reference. The Aarons reference, therefore, cannot be cited as prior art. And amended Claims 1 and 10 are therefore not anticipated by Aarons. And because Claims 2, 4, 6-9 and Claims 11, 15-18 depend upon Claims 1 and 10, respectively, they are also not anticipated by Aarons.

b. Schulkin Reference

In order to be a proper §102(b) rejection, the reference must teach each and every aspect of the claimed invention.

Schulkin fails to teach each and every aspect claimed in the application. Claim 1 has been amended as described above.

Schulkin fails to teach the elements that the extremity covering has fully enclosed finger or toe sections and has slip-resistant material coupled to the fully enclosed toe or finger sections.

Because Schulkin fails to teach each and every aspect in amended Claim 1, it is not anticipated by Schulkin. And because Claim 2 depends upon amended Claim 1, it is also not anticipated by Schulkin. Examiner's rejections should therefore be obviated.

### III. Claim Rejections Based on 35 U.S.C. §103

The Examiner has rejected Claims 5 and 14 under 35 U.S.C. §103(a) as being unpatentable over Aarons. The Examiner has also rejected Claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable by Schulkin.

#### a. Aarons

For the same reasons stated above, the Aarons reference cannot serve as prior art and the Examiner's rejections based thereupon should be obviated.

#### b. Schulkin

Claim 10 has been amended as described above. Schulkin states that "there is a longfelt need in the sport of basketball to provide a glove which exposes the essential fingertips and upper knuckle portions of the fingers and thumb." (Schulkin, col. 1, lines 60-62). Schulkin also states that "none of the prior art

gloves strategically expose the upper portions of the fingers and thumb, while covering the palm portions below the fingers at the top of the palm, as well as the portions of the palm below the thumb and pinky little finger." (Schulkin, col. 2, lines 18-22). And Schulkin also states that "the preferred embodiment of the glove comprises an abbreviated substantially 'thumbless' and 'tipless' four-finger glove body which slips over the palms and fingers of the user, leaving the thumb, the tips and knuckles of each of the four fingers exposed." (Schulkin, col.2, lines 33-37). The language of the Schulkin patent clearly teaches away from Applicant's invention by stating that the fingers of the glove must be exposed. Therefore, Applicant's amended Claim 10 is not obvious in view of Schulkin and the rejection should be obviated. And because Claim 11 depends upon amended Claim 10, it is also not obvious in view of Schulkin.

#### IV. Conclusion

Applicant respectfully submits that the Declaration and exhibits attached thereto are sufficient to establish that Applicant conceived of the invention and actually reduced it to practice prior to the effective date of the Aarons reference. Applicant further respectfully submits that the Aarons patent should therefore be removed as potential prior art under 35 U.S.C. §102(e) and §103(a).

Applicant respectfully submits that this Amendment Letter, in view of the Remarks offered herein, is fully responsive to all aspects of the objections and rejections tendered by the examiner in the Office Action. For all the foregoing reasons, the Applicant respectfully asserts that all claims are patentable over the cited prior art and respectfully requests that these Claims be allowed.

It is not believed that this Amendment Letter and/or Declaration require any fees, but if there are any fees incurred by this communication, please deduct them from our Deposit Account NO. 23-0830.

Respectfully submitted,

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